

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: STEVEN TISCHER	)	
	)	
SERIAL NO.: 10/736,440	)	ART UNIT:
	)	2626
FILED: December 15, 2003	)	
	)	EXAMINER:
FOR: SYSTEM, METHOD, AND STORAGE MEDIUM FOR	)	Neway
GENERATING SPEECH GENERATION COMMANDS	)	
ASSOCIATED WITH COMPUTER READABLE	)	
INFORMATION	)	

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF**

**REAL PARTY IN INTEREST**

The real party in interest is AT&T Intellectual Property I, L.P., an entity owning certain assets of BellSouth Intellectual Property Corporation, the assignee of record.

**RELATED APPEALS AND INTERFERENCES**

There are no pending appeals or interferences related to this appeal.

**STATUS OF CLAIMS**

Claims 3-5, 8, 10-13 have been canceled.

Claims 1, 2, 6, 7, 9, 14 and 15 stand finally rejected.

The rejections of claims 1, 2, 6, 7, 9, 14 and 15 are herein appealed.

**STATUS OF AMENDMENTS**

There have been no amendments filed after the final rejection mailed June 23, 2009.

## SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal is provided below.

Independent claim 1 recites a system (Figure 1, element 10; paragraph [0018]) for generating a collection of speech generation commands associated with computer readable information, comprising: a first computer (Figure 1, element 12; paragraph [0018]) receiving a text to speech request signal from a phone (Figure 1, element 24; paragraph [0018]) through an email computer server (Figure 1, element 18; paragraph [0019]) via a communications network (Figure 1, element 22; paragraph [0018]); the first computer configured to generate a first collection of speech generation commands based on a first portion of computer readable information in response to the text to speech request signal (Figure 7A, element 60; paragraph [0034]); the first computer in communication with the communication network and the phone operatively communicating with the communication network (Figure 1, elements 12, 22 and 24; paragraph [0018]), wherein signals generated by the first computer are transmitted through the communication network to the phone; the first computer determining if the phone includes a voice file having a plurality of speech samples (Figure 7A, element 66; paragraph [0049]); wherein if the phone includes a memory having a voice file stored therein, the signals received by the phone correspond to the first collection of speech generation commands (Figure 7A, element 72; paragraph [0052]), the phone accessing a predetermined set of the speech samples in the voice file based on the first collection of speech generation commands to generate auditory speech (Figure 7A, element 74; paragraph [0053]); wherein if the phone does not include a memory having a voice file stored therein, the signals received by the phone correspond to auditory speech (Figure 7A, element 68; paragraph [0050]), the phone generating auditory speech in response to the signals (Figure 7A, element 70; paragraph [0051]).

Independent claim 7 recites a method for generating a collection of speech generation commands, comprising: receiving at a first computer (Figure 1, element 12; paragraph [0018]) a text to speech request signal from a phone (Figure 1, element 24; paragraph [0018]) through an email computer server (Figure 1, element 18; paragraph

[0019]) via a communications network (Figure 1, element 22; paragraph [0018]); generating a first collection of speech generation commands based on a first portion of computer readable information in a first computer in response to the text to speech request signal (Figure 7A, element 60; paragraph [0034]); wherein the first computer includes a memory storing a voice file, the voice file having a plurality of speech generation commands associated with speech samples of a person (Figure 5, element 34; paragraph [0019]), wherein the generation of the first collection of speech generation commands includes: generating phoneme and multi-phonemes associated with the first portion of computer readable information (Figure 7B, element 76; paragraph [0035]); comparing a phoneme or multi-phoneme to phonemes and multi-phonemes stored in the voice file to determine a matched phoneme or multi-phoneme (Figure 7B, elements 78-80; paragraph [0035]); selecting a speech generation command in the voice file associated with the matched phoneme or multi-phoneme (Figure 6, element 36; paragraph [0038]); determining if the phone includes a voice file having a plurality of speech samples (Figure 7A, element 66; paragraph [0049]), wherein if the phone includes a memory having a voice file stored therein, generating a signal corresponding to a first collection of speech generation commands (Figure 7A, element 72; paragraph [0052]), wherein if the phone does not include a memory having a voice file stored therein, generating a signal corresponding to auditory speech (Figure 7A, element 68; paragraph [0050]); and transmitting the signal through a communication network to the phone (Figure 7A, elements 68 and 72; paragraphs [0050] and [0052]).

Independent claim 15 recites a storage medium encoded with machine-readable computer program code for generating a collection of speech generation commands associated with computer readable information, the storage medium including instructions for causing at least one system element to implement a method comprising: receiving at a first computer (Figure 1, element 12; paragraph [0018]) a text to speech request signal from a phone (Figure 1, element 24; paragraph [0018]) through an email computer server (Figure 1, element 18; paragraph [0019]) via a communications network (Figure 1, element 22; paragraph [0018]); generating a first collection of speech generation commands based on a first portion of computer readable information in a first computer in response to the text to speech request signal (Figure 7A, element 60;

paragraph [0034]); wherein the first computer includes a memory storing a voice file, the voice file having a plurality of speech generation commands associated with speech samples of a person (Figure 5, element 34; paragraph [0019]), wherein the generation of the first collection of speech generation commands includes: generating phoneme and multi-phonemes associated with the first portion of computer readable information (Figure 7B, element 76; paragraph [0035]); comparing a phoneme or multi-phoneme to phonemes and multi-phonemes stored in the voice file to determine a matched phoneme or multi-phoneme (Figure 7B, elements 78-80; paragraph [0035]); selecting a speech generation command in the voice file associated with the matched phoneme or multi-phoneme (Figure 6, element 36; paragraph [0038]); determining if the phone includes a voice file having a plurality of speech samples (Figure 7A, element 66; paragraph [0049]), wherein if the phone includes a memory having a voice file stored therein, generating a signal corresponding to a first collection of speech generation commands (Figure 7A, element 72; paragraph [0052]), wherein if the phone does not include a memory having a voice file stored therein, generating a signal corresponding to auditory speech (Figure 7A, element 68; paragraph [0050]); and transmitting the signal through a communication network to the phone (Figure 7A, elements 68 and 72; paragraphs [0050] and [0052]).

The above exemplary embodiments are discussed with respect to the aforementioned independent claims by way of example only and are not intended to in any way limit the scope of these claims.

#### GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 2, 6, 7, 9, 14 and 15 are patentable under 35 U.S.C. § 103(a) over Wu in view of Osterman and Walker

## ARGUMENT

### **I. Rejection of claims 1, 2, 6, 7, 9, 14 and 15**

Claims 1, 2, 6, 7, 9, 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Osterman and Walker (20010047260). This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, “a first computer receiving a text to speech request signal from a phone through an email computer server via a communications network; the first computer configured to generate a first collection of speech generation commands based on a first portion of computer readable information in response to the text to speech request signal.” Support for these features is found in Figure 7A, steps 54 and 56 and paragraphs [0030] – [0031] of Assignee’s specification.

Neither Wu nor Osterman teaches or suggests these features. Wu teaches a system that converts an incoming text message into an audio message. There is no text to speech request signal that the first computer is responsive to as recited in claim 1. Osterman teaches a system for delivering video messages to client devices. Osterman determines if a client device has software necessary for delivery of a multi-media message to the client device. There is no text to speech request signal that the first computer is responsive to as recited in claim 1.

The Examiner relies on Walker for the claimed “first computer receiving a text to speech request signal from a phone through an email computer server via a communications network; the first computer configured to generate a first collection of speech generation commands based on a first portion of computer readable information in response to the text to speech request signal.” In applying Walker, the Examiner cites to voice application 16 in Walker as corresponding to the claimed email computer server. The Examiner summarizes item 16 in Walker as “this server receives and send electronic text messages, i.e., it’s an email computer server.” Assignee disagrees with this interpretation of Walker.

The voice application 16 in Walker is described as using speech recognition to understand an audible text request. The voice application 16 recovers the requested text from a text source 14 and then provides the text to TTS engine farm for conversion to

speech. The voice application 16 sends the speech to the telephone user (paragraph [0023]).

There is nothing in Walker to suggest that the voice application 16 is an email computer server or that it can process emails. The voice application 16 can receive voice requests and process DTMF tones. The Examiner's reasoning that the server "receives and send electronic text messages, i.e., it's an email computer server" is flawed. Many devices receive and send electronic messages and are not email servers. A telephone answering machine sends and receives electronic messages, but does not process emails. There is simply no teaching in Walker that voice application 16 is an email server. The Examiner has only made this analogy due to Assignee's claim language, and the Examiner's position is a clear misinterpretation of Walker. Thus, even if Wu, Osterman and Walker are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Wu in view of Osterman and Walker. Claims 2 and 6 depend from claim 1 and is patentable over Wu in view of Osterman and Walker for at least the reasons advanced with reference to claim 1.

Claim 7 recites "receiving at a first computer a text to speech request signal from a phone through an email computer server via a communications network; generating a first collection of speech generation commands based on a first portion of computer readable information in a first computer in response to the text to speech request signal." As discussed above, none of Wu, Osterman and Walker teaches or suggests these features. Claims 9 and 14 depend from claim 7 and are patentable over Wu in view of Osterman and Walker for at least the reasons advanced with reference to claim 7.

Claim 15 recites "receiving at a first computer a text to speech request signal from a phone through an email computer server via a communications network; generating a first collection of speech generation commands based on computer readable information in a first computer in response to the text to speech request signal." As discussed above, none of Wu, Osterman and Walker teaches or suggests these features.

## **II. Conclusion**

In view of the foregoing, it is respectfully requested that the appealed rejections be reversed.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Assignee's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

By: 

David A. Fox  
Registration No. 38,807  
CANTOR COLBURN LLP  
20 Church Street  
22<sup>nd</sup> Floor  
Hartford, CT 06103  
Telephone (860) 286-2929  
Facsimile (860) 286-0115  
Customer No. 36192

Date: March 3, 2010

## CLAIM APPENDIX

1. A system for generating a collection of speech generation commands associated with computer readable information, comprising:

a first computer receiving a text to speech request signal from a phone through an email computer server via a communications network;

the first computer configured to generate a first collection of speech generation commands based on a first portion of computer readable information in response to the text to speech request signal;

the first computer in communication with the communication network and the phone operatively communicating with the communication network, wherein signals generated by the first computer are transmitted through the communication network to the phone;

the first computer determining if the phone includes a voice file having a plurality of speech samples;

wherein if the phone includes a memory having a voice file stored therein, the signals received by the phone correspond to the first collection of speech generation commands, the phone accessing a predetermined set of the speech samples in the voice file based on the first collection of speech generation commands to generate auditory speech;

wherein if the phone does not include a memory having a voice file stored therein, the signals received by the phone correspond to auditory speech, the phone generating auditory speech in response to the signals.

2. The system of claim 1 further comprising:

a second computer configured to receive a second portion of computer readable information from the first computer and to generate a second collection of speech generation commands based on the second portion of computer readable information, the first computer is further configured to receive the second collection of speech generation commands from the second computer and to generate a third collection of speech generation commands based on the first and second collection of speech generating commands;



wherein the first computer generates signals based on the third collection of speech generation commands.

6. The system of claim 1 wherein the first computer further includes a memory having a voice file stored therein, the voice file having a plurality of speech samples from a predetermined person, the first collection of speech generation commands being associated with a predetermined set of the plurality of speech samples.

7. A method for generating a collection of speech generation commands, comprising:  
receiving at a first computer a text to speech request signal from a phone through an email computer server via a communications network;

generating a first collection of speech generation commands based on a first portion of computer readable information in a first computer in response to the text to speech request signal;

wherein the first computer includes a memory storing a voice file, the voice file having a plurality of speech generation commands associated with speech samples of a person, wherein the generation of the first collection of speech generation commands includes:

generating phoneme and multi-phonemes associated with the first portion of computer readable information;

comparing a phoneme or multi-phoneme to phonemes and multi-phonemes stored in the voice file to determine a matched phoneme or multi-phoneme;

selecting a speech generation command in the voice file associated with the matched phoneme or multi-phoneme;

determining if the phone includes a voice file having a plurality of speech samples,

wherein if the phone includes a memory having a voice file stored therein, generating a signal corresponding to a first collection of speech generation commands,

wherein if the phone does not include a memory having a voice file stored therein, generating a signal corresponding to auditory speech; and

transmitting the signal through a communication network to the phone.

9. The method of claim 7 wherein the comparing of a phoneme or multi- to phonemes and multi-phonemes stored in the voice file to determine a matched phoneme or multi-phoneme includes:

- comparing a multi-phoneme to multi-phonemes stored in the voice file; and,
- comparing a phoneme to phonemes stored in the voice file.

14. The method of claim 7 wherein if the phone includes a memory having a voice file stored therein, the method further comprising accessing portions of the voice file based on the first collection of speech generation commands to generate auditory speech.

15. A storage medium encoded with machine-readable computer program code for generating a collection of speech generation commands associated with computer readable information, the storage medium including instructions for causing at least one system element to implement a method comprising:

- receiving at a first computer a text to speech request signal from a phone through an email computer server via a communications network;

- generating a first collection of speech generation commands based on computer readable information in a first computer in response to the text to speech request signal; and,

- wherein the system element includes a memory storing a voice file, the voice file having a plurality of speech generation commands associated with speech samples of a predetermined person, wherein the generation of the first collection of speech generation commands includes:

- generating phoneme and multi-phonemes associated with the first portion of computer readable information;

- comparing a phoneme or multi-phoneme to phonemes and multi-phonemes stored in the voice file to determine a matched phoneme or multi-phoneme; and,

- selecting a speech generation command in the voice file associated with the matched phoneme or multi-phoneme;

determining if the phone includes a voice file having a plurality of speech samples,

wherein if the phone includes a memory having a voice file stored therein, generating a signal corresponding to a first collection of speech generation commands,

wherein if the phone does not include a memory having a voice file stored therein, generating a signal corresponding to auditory speech; and

transmitting the signal through the communication network to the phone.

## EVIDENCE APPENDIX

Not Applicable

RELATED PROCEEDINGS APPENDIX

Not Applicable